



PATENT  
Customer No. 22,852  
Attorney Docket No. 9914.0004-00

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: )  
)  
Mary Jane Cardosa et al. ) Group Art Unit: 1648  
)  
Application No.: 10/786,380 ) Examiner: STACY BROWN CHEN  
)  
Filed: February 24, 2004 ) Confirmation No.: 3579  
)  
For: RECOMBINANT MVA VIRUS EXPRESSING DENGUE VIRUS  
ANTIGENS, AND THE USE THEREOF IN VACCINES

**MAIL STOP AMENDMENT**  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicant brings to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b) but, to the undersigned's knowledge, before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

The listed foreign and non-patent literature documents are either of record in prior application no. 09/147,919, filed September 23, 1997, upon which applicant relies for the benefits provided in 35 U.S.C. § 120, or are attached.

06/01/2007 AWONDAF1 00000050 10786380

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Applicant respectfully requests that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and Applicant determines that the cited documents do not constitute "prior art" under United States law, applicant reserves the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

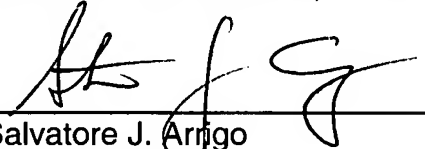
Applicant further reserves the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to Deposit Account 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: May 31, 2007

By: 

Salvatore J. Arrigo

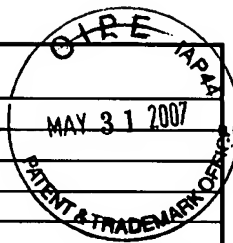
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|---|---|----|---|--------------------------|-------------------|
| IDS Form PTO/SB/08: Substitute for form 1449A/PTO   |   |    |   | <b>Complete if Known</b> |                   |
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b><br><br>(Use as many sheets as necessary) |   |    |   | Application Number       | 10/786,380        |
|   |   |    |   | Filing Date              | February 24, 2004 |
|   |   |    |   | First Named Inventor     | Mary Jane Cardosa |
|   |   |    |   | Art Unit                 | 1648              |
|   |   |    |   | Examiner Name            | Stacy Brown Chen  |
| Sheet   | 1 | of | 1 | Attorney Docket Number   | 09914-0004-00000  |



| U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS |                       |  |   |   |   |
|---|-----------------------|--|---|---|---|
| Examiner Initials                                   | Cite No. <sup>1</sup> | Document Number                          | Issue or Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear |
|   |                       | Number-Kind Code <sup>2</sup> (if known) |   |   |   |
|   | A10                   | US-5,494,671                             | 02-27-1996                              | Ching-Jun Lai <i>et al.</i>                     |   |
|   | A11                   | US-6,869,793                             | 03-22-2005                              | Cardosa <i>et al.</i>                           |   |
|   | A12                   | US-5,369,025                             | 11-29-1994                              | Nazerian <i>et al.</i>                          |   |
|   | A13                   | US-6,074,865                             | 06-13-2000                              | Kelly <i>et al.</i>                             |   |
|   |                       | US-                                      |   |   |   |
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|   |                       | US-                                      |   |   |   |
|   |                       | US-                                      |   |   |   |
|   |                       | US-                                      |   |   |   |

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| FOREIGN PATENT DOCUMENTS |                       |   |                                |   |   |                          |
|--------------------------|-----------------------|---|--------------------------------|---|---|--------------------------|
| Examiner Initials        | Cite No. <sup>1</sup> | Foreign Patent Document   | Publication Date<br>MM-DD-YYYY | Name of Patentee or Applicant of Cited Document | Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear | Translation <sup>6</sup> |
|                          |                       | Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known) |                                |   |   |                          |
|                          | B11                   | EP 0836648  | 01-23-1997                     | Gerd Sutter <i>et al.</i>                       |   |                          |
|                          | B12                   | WO 90/01946   | 03-08-1990                     | Ching-Jun Lai <i>et al.</i>                     |   |                          |
|                          | B13                   | WO 92/15672   | 09-17-1992                     | Paoletti <i>et al.</i>                          |   |                          |
|                          |                       |   |                                |   |   |                          |

| NONPATENT LITERATURE DOCUMENTS |                       |   |                          |
|--------------------------------|-----------------------|---|--------------------------|
| Examiner Initials              | Cite No. <sup>1</sup> | Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published. | Translation <sup>6</sup> |
|                                | C45                   | BRAY, M. <i>et al.</i> , "Monkeys immunized with intertypic chimeric Dengue viruses are protected against wild-type virus challenge," <i>Journal of Virology</i> , 70(6): 4162-4166 (1996).   |                          |
|                                | C46                   | DEUBEL, V., <i>et al.</i> , "Dengue 2 virus envelope protein expressed by a recombinant vaccinia virus fails to protect monkeys against Dengue," <i>Journal of General Virology</i> , 69: 1921-1929 (1988).   |                          |
|                                | C47                   | YAMSHCHIKOV, V. F., <i>et al.</i> , "Generation of long flavivirus expression cassettes by in vivo recombination and transient dominant selection," <i>Gene</i> , 149: 193-201 (1994).  |                          |
|                                | C48                   | ZHANG <i>et al.</i> , BBRC 200(1):95-101 (1994).  |                          |
|                                | C49                   | MOSS, <i>Seminars in Immunology</i> 2:317-327 (1990).   |                          |
|                                | C50                   | HAYES <i>et al.</i> , <i>Pediatric Infectious Disease Journal</i> 11(4):311-7, abstract only cited.   |                          |
|                                | C51                   | BANCROFT, <i>Puerto Rico Health Sciences Journal</i> 6(11):23-6, abstract only cited.   |                          |

|                    |                 |
|--------------------|-----------------|
| Examiner Signature | Date Considered |
|--------------------|-----------------|

**EXAMINER:** Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.